

1995

## Indexes to Volume 74

Follow this and additional works at: <https://digitalcommons.unl.edu/nlr>

---

### Recommended Citation

, *Indexes to Volume 74*, 74 Neb. L. Rev. (1995)

Available at: <https://digitalcommons.unl.edu/nlr/vol74/iss4/7>

This Article is brought to you for free and open access by the Law, College of at DigitalCommons@University of Nebraska - Lincoln. It has been accepted for inclusion in Nebraska Law Review by an authorized administrator of DigitalCommons@University of Nebraska - Lincoln.

## INDEX BY AUTHOR

AUSTIN, ARTHUR, Evaluating Storytelling As a Type of Nontraditional Scholarship .....	479
BERGER, LAWRENCE, Public Use, Substantive Due Process and Takings—An Integration .....	843
CLOSIUS, PHILLIP J., Social Justice and the Myth of Fairness: A Communal Defense of Affirmative Action .....	569
CORDES, MARK, Sign Regulation After <i>Ladue</i> : Examining the Evolving Limits of First Amendment Protection .....	36
DRIMMER, JONATHAN C., Hear No Evil, Speak No Evil: The Duty of Public Schools to Limit Student-Proposed Graduation Prayers .....	411
FINKEL, NORMAN J., Achilles Fuming, Odysseus Stewing, and Hamlet Brooding: On the Story of the Murder/Manslaughter Distinction .....	742
GRADWOHL, JOHN M., Current Dimensions Of The Federal Arbitration Act In Nebraska .....	304
HAASE, KAREN A., You Can Check Out Anytime You Like, But You Can Never Leave: Attorney Conflict of Interest and Imputed Disqualification Under Nebraska's New Bright Line Rule .....	137
HARRIS, GEORGE C., The Communitarian Function of the Criminal Jury Trial and the Rights of the Accused .....	804
KARNS, JACK E. & DOTY, EDWIN A. & LONG, STEVEN S., Accountant and Attorney Liability as "Sellers" of Securities Under Section 12(2) of the Securities Act of 1933: Judicial Rejection of the Statutory, Collateral Participant Status Cause of Action .....	1
KESTER, CHARLES, The Language of Law, the Sociology of Science and the Troubles of Translation: Defining the Proper Role for Scientific Evidence of Causation .....	529
LYTLE, KEVIN T., Rock-a-bye Baby: When Determining How and Where the Cradle Should Fall, Nebraska "Blows It"—An Examination of Unwed Fathers' Rights Regarding Their Children and Nebraska's Infringement of Those Rights .....	180
NAKASHIMA, RICHARD A., DNA Evidence in Criminal Trials: A Defense Attorney's Primer .....	444
PHIPPS, CHARLES A., ELLS, MARK L., Facilitated Communication: Novel Scientific Evidence or Novel Communication? .....	601
PRIVRATSKY, MARK R., A Critical Review Culminating in Practical Bar Examination Application Techniques in Regards to the "Good Moral Character Requirement"— <i>In re Majorek</i> , 244 Neb. 595, 508 N.W.2d 275 (1993) .....	324
SCHULMAN, DAN J., The Constitution, Interest Groups, and the Requirements of Uniformity: The United States Trustee and the Bankruptcy Administrator Programs .....	91
SMITH, ANGELA G., Public School Choice and Open Enrollment: Implications for Education, Desegregation, and Equity .....	255
SMITH, II, GEORGE P., Nuisance Law: The Morphogenesis of an Historical Revisionist Theory of Contemporary Economic Jurisprudence .....	658
STEWART, CHRISTIAN D., Double Jeopardy—State Drug Tax Statutes Go Up In Smoke: <i>Department of Revenue v. Kurth Ranch</i> , 114 S. Ct. 1937 (1994) .	221

STOLLE, DENNIS P., The FTC's Reliance on Extrinsic Evidence in Cases of Deceptive Advertising: A Proposal for Interpretive Rulemaking. <i>Kraft, Inc. v. FTC</i> , 970 F.2d 311 (7th Cir. 1992), <i>cert. denied</i> , 113 S. Ct. 1254 (1993) .....	352
WHITFORD, CAROLYN L., While the United States Supreme Court Waves Goodbye to the After-Acquired Evidence Doctrine, It May Allow the Employer to Hold a Card Up Its Sleeve in <i>McKennon v. Nashville Publishing Co.</i> , 115 S. Ct. 879 (1995) .....	374

## INDEX BY TITLE

A Critical Review Culminating in Practical Bar Examination Application Techniques in Regards to the "Good Moral Character Requirement"— <i>In re Majorek</i> , 244 Neb. 595, 508 N.W.2d 275 (1993), Mark R. Privratsky . . . . .	324
Achilles Fuming, Odysseus Stewing, and Hamlet Brooding: On the Story of the Murder/Manslaughter Distinction, Norman J. Finkel . . . . .	742
Accountant and Attorney Liability as "Sellers" of Securities Under Section 12(2) of the Securities Act of 1933: Judicial Rejection of the Statutory, Collateral Participant Status Cause of Action, Jack E. Karns, Edwin A. Doty, Steven S. Long . . . . .	1
The Communitarian Function of the Criminal Jury Trial and the Rights of the Accused, George C. Harris . . . . .	804
The Constitution, Interest Groups, and the Requirements of Uniformity: The United States Trustee and the Bankruptcy Administrator Programs, Dan J. Schulman . . . . .	91
Current Dimensions Of The Federal Arbitration Act In Nebraska, John M. Gradwohl . . . . .	304
DNA Evidence in Criminal Trials: A Defense Attorney's Primer, Richard A. Nakashima . . . . .	444
Double Jeopardy—State Drug Tax Statutes Go Up In Smoke: <i>Department of Revenue v. Kurth Ranch</i> , 114 S. Ct. 1937 (1994), Christian D. Stewart . . . . .	221
Evaluating Storytelling As a Type of Nontraditional Scholarship, Arthur Austin . . . . .	479
Facilitated Communication: Novel Scientific Evidence or Novel Communication? Charles A. Phipps, Mark L. Ells . . . . .	601
The FTC's Reliance on Extrinsic Evidence in Cases of Deceptive Advertising: A Proposal for Interpretive Rulemaking. <i>Kraft, Inc. v. FTC</i> , 970 F.2d 311 (7th Cir. 1992), <i>cert. denied</i> , 113 S. Ct. 1254 (1993), Dennis P. Stolle . . . . .	352
Hear No Evil, Speak No Evil: The Duty of Public Schools to Limit Student-Proposed Graduation Prayers, Jonathan C. Drimmer . . . . .	411
The Language of Law, the Sociology of Science and the Troubles of Translation: Defining the Proper Role for Scientific Evidence of Causation, Charles Kester . . . . .	529
Nuisance Law: The Morphogenesis of an Historical Revisionist Theory of Contemporary Economic Jurisprudence, George P. Smith, II . . . . .	658
Public School Choice and Open Enrollment: Implications for Education, Desegregation, and Equity, Angela G. Smith . . . . .	255
Public Use, Substantive Due Process and Takings—An Integration, Lawrence Berger . . . . .	843
Rock-a-bye Baby: When Determining How and Where the Cradle Should Fall, Nebraska "Blows It"—An Examination of Unwed Fathers' Rights Regarding Their Children and Nebraska's Infringement of Those Rights, Kevin T. Lytle . . . . .	180
Sign Regulation After <i>Ladue</i> : Examining the Evolving Limits of First Amendment Protection, Mark Cordes . . . . .	36
Social Justice and the Myth of Fairness: A Communal Defense of Affirmative Action, Phillip J. Closius . . . . .	569
While the United States Supreme Court Waves Goodbye to the After-Acquired Evidence Doctrine, It May Allow the Employer to Hold a Card Up Its	

Sleeve in <i>McKennon v. Nashville Publishing Co.</i> , 115 S. Ct. 879 (1995), Carolyn L. Whitford .....	374
<b>You Can Check Out Anytime You Like, But You Can Never Leave: Attorney Conflict of Interest and Imputed Disqualification Under Nebraska's New Bright Line Rule, Karen A. Haase .....</b>	<b>137</b>

## INDEX BY SUBJECT

### ACCOUNTING

Accountant and Attorney Liability as "Sellers" of Securities Under Section 12(2) of the Securities Act of 1933: Judicial Rejection of the Statutory, Collateral Participant Status Cause of Action, Jack E. Karns, Edwin A. Doty & Steven S. Long ..... 1

### ADVERTISING

The FTC's Reliance on Extrinsic Evidence in Cases of Deceptive Advertising: A Proposal for Interpretive Rulemaking. *Kraft, Inc. v. FTC*, 970 F.2d 311 (7th Cir. 1992), cert. denied, 113 S. Ct. 1254 (1993), Dennis P. Stolle..... 352

### AFFIRMATIVE ACTION

Social Justice and the Myth of Fairness: A Communal Defense of Affirmative Action, Phillip J. Closius ..... 569

### ALTERNATIVE DISPUTE RESOLUTION

Current Dimensions Of The Federal Arbitration Act In Nebraska, John M. Gradwohl .. 304

### ARBITRATION

Current Dimensions Of The Federal Arbitration Act In Nebraska, John M. Gradwohl .. 304

### BANKRUPTCY

The Constitution, Interest Groups, and the Requirements of Uniformity: The United States Trustee and the Bankruptcy Administrator Programs, Dan J. Schulman..... 91

### BRIGHT LINE RULE

You Can Check Out Anytime You Like, But You Can Never Leave: Attorney Conflict of Interest and Imputed Disqualification Under Nebraska's New Bright Line Rule, Karen A. Haase ..... 137

### CAUSATION

The Language of Law, the Sociology of Science and the Troubles of Translation: Defining the Proper Role for Scientific Evidence of Causation, Charles Kester ..... 529

### CHILD CUSTODY

Rock-a-bye Baby: When Determining How and Where the Cradle Should Fall, Nebraska "Blows It"—An Examination of Unwed Fathers' Rights Regarding Their Children and Nebraska's Infringement of Those Rights, Kevin T. Lytle..... 180

### COMMUNITARIANISM

The Communitarian Function of the Criminal Jury Trial and the Rights of the Accused, George C. Harris ..... 804

Social Justice and the Myth of Fairness: A Communal Defense of Affirmative Action, Phillip J. Closius ..... 569

### CONSTITUTIONAL LAW

The Constitution, Interest Groups, and the Requirements of Uniformity: The United States Trustee and the Bankruptcy Administrator Programs, Dan J. Schulman..... 91

Double Jeopardy—State Drug Tax Statutes Go Up In Smoke: *Department of Revenue v. Kurth Ranch*, 114 S. Ct. 1937 (1994), Christian D. Stewart . . . . . 221

Hear No Evil, Speak No Evil: The Duty of Public Schools to Limit Student-Proposed Graduation Prayers, Jonathan C. Drimmer . . . . . 411

Sign Regulation After *Ladue*: Examining the Evolving Limits of First Amendment Protection, Mark Cordes . . . . . 36

**CRIMINAL LAW**

Achilles Fuming, Odysseus Stewing, and Hamlet Brooding: On the Story of the Murder/Manslaughter Distinction, Norman J. Finkel . . . . . 742

The Communitarian Function of the Criminal Jury Trial and the Rights of the Accused, George C. Harris . . . . . 804

DNA Evidence in Criminal Trials: A Defense Attorney's Primer, Richard A. Nakashima . . . . . 444

**CONFLICT OF INTEREST**

You Can Check Out Anytime You Like, But You Can Never Leave: Attorney Conflict of Interest and Imputed Disqualification Under Nebraska's New Bright Line Rule, Karen A. Haase . . . . . 137

**DESEGREGATION**

Public School Choice and Open Enrollment: Implications for Education, Desegregation, and Equity, Angela G. Smith . . . . . 255

**DNA**

DNA Evidence in Criminal Trials: A Defense Attorney's Primer, Richard A. Nakashima . . . . . 444

**DOUBLE JEOPARDY**

Double Jeopardy—State Drug Tax Statutes Go Up In Smoke: *Department of Revenue v. Kurth Ranch*, 114 S. Ct. 1937 (1994), Christian D. Stewart . . . . . 221

**EDUCATION**

Hear No Evil, Speak No Evil: The Duty of Public Schools to Limit Student-Proposed Graduation Prayers, Jonathan C. Drimmer . . . . . 411

Public School Choice and Open Enrollment: Implications for Education, Desegregation, and Equity, Angela G. Smith . . . . . 255

**EMPLOYMENT LAW**

While the United States Supreme Court Waves Goodbye to the After-Acquired Evidence Doctrine, It May Allow the Employer to Hold a Card Up Its Sleeve in *McKennon v. Nashville Publishing Co.*, 115 S. Ct. 879 (1995), Carolyn L. Whitford . . . . . 374

**ETHICS**

A Critical Review Culminating in Practical Bar Examination Application Techniques in Regards to the "Good Moral Character Requirement"—*In re Majorek*, 244 Neb. 595, 508 N.W.2d 275 (1993), Mark R. Privratsky . . . . . 324

You Can Check Out Anytime You Like, But You Can Never Leave: Attorney Conflict of Interest and Imputed Disqualification Under Nebraska's New Bright Line Rule, Karen A. Haase . . . . . 137

**EVIDENCE**

DNA Evidence in Criminal Trials: A Defense Attorney's Primer, Richard A. Nakashima . . . . . 444

Facilitated Communication: Novel Scientific Evidence or Novel Communication?, Charles A. Phipps, Mark L. Ells . . . . . 601

The FTC's Reliance on Extrinsic Evidence in Cases of Deceptive Advertising: A Proposal for Interpretive Rulemaking. *Kraft, Inc. v. FTC*, 970 F.2d 311 (7th Cir. 1992), cert. denied, 113 S. Ct. 1254 (1993), Dennis P. Stolle . . . . . 352

The Language of Law, the Sociology of Science and the Troubles of Translation: Defining the Proper Role for Scientific Evidence of Causation, Charles Kester ..... 529

While the United States Supreme Court Waves Goodbye to the After-Acquired Evidence Doctrine, It May Allow the Employer to Hold a Card Up Its Sleeve in *McKennon v. Nashville Publishing Co.*, 115 S. Ct. 879 (1995), Carolyn L. Whitford .... 374

**FACILITATED COMMUNICATION**

Facilitated Communication: Novel Scientific Evidence or Novel Communication?, Charles A. Phipps, Mark L. Ells ..... 601

**FAIRNESS**

Social Justice and the Myth of Fairness: A Communal Defense of Affirmative Action, Phillip J. Closius ..... 569

**GOOD MORAL CHARACTER**

A Critical Review Culminating in Practical Bar Examination Application Techniques in Regards to the "Good Moral Character Requirement"—*In re Majorek*, 244 Neb. 595, 508 N.W.2d 275 (1993), Mark R. Privratsky ..... 324

**JURISPRUDENCE**

Evaluating Storytelling As a Type of Nontraditional Scholarship, Arthur Austin ..... 479

**LAW AND ECONOMICS**

Nuisance Law: The Morphogenesis of an Historical Revisionist Theory of Contemporary Economic Jurisprudence, George P. Smith, II ..... 658

**LEGAL EDUCATION**

Evaluating Storytelling As a Type of Nontraditional Scholarship, Arthur Austin ..... 479

**NUISANCE LAW**

Nuisance Law: The Morphogenesis of an Historical Revisionist Theory of Contemporary Economic Jurisprudence, George P. Smith, II ..... 658

**PARENTAL RIGHTS**

Rock-a-bye Baby: When Determining How and Where the Cradle Should Fall, Nebraska "Blows It"—An Examination of Unwed Fathers' Rights Regarding Their Children and Nebraska's Infringement of Those Rights, Kevin T. Lytle ..... 180

**PROFESSIONAL RESPONSIBILITY**

A Critical Review Culminating in Practical Bar Examination Application Techniques in Regards to the "Good Moral Character Requirement"—*In re Majorek*, 244 Neb. 595, 508 N.W.2d 275 (1993), Mark R. Privratsky ..... 324

You Can Check Out Anytime You Like, But You Can Never Leave: Attorney Conflict of Interest and Imputed Disqualification Under Nebraska's New Bright Line Rule, Karen A. Haase ..... 137

**PROPERTY**

Nuisance Law: The Morphogenesis of an Historical Revisionist Theory of Contemporary Economic Jurisprudence, George P. Smith, II ..... 658



Public Use, Substantive Due  
Process and Takings—An  
Integration, Lawrence Berger .. 843

PSYCHOLOGY

Achilles Fuming, Odysseus  
Stewing, and Hamlet Brooding:  
On the Story of the Murder/  
Manslaughter Distinction,  
Norman J. Finkel ..... 742

Facilitated Communication: Novel  
Scientific Evidence or Novel  
Communication?, Charles A.  
Phipps & Mark L. Ells ..... 601

PUTATIVE FATHERS

Rock-a-bye Baby: When  
Determining How and Where  
the Cradle Should Fall,  
Nebraska "Blows It"—An  
Examination of Unwed Fathers'  
Rights Regarding Their  
Children and Nebraska's  
Infringement of Those Rights,  
Kevin T. Lytle ..... 180

SCIENTIFIC EVIDENCE

DNA Evidence in Criminal Trials:  
A Defense Attorney's Primer,  
Richard A. Nakashima ..... 444

Facilitated Communication: Novel  
Scientific Evidence or Novel  
Communication?, Charles A.  
Phipps & Mark L. Ells ..... 601

The Language of Law, the  
Sociology of Science and the  
Troubles of Translation:  
Defining the Proper Role for  
Scientific Evidence of Causation,  
Charles Kester ..... 529

SECURITIES

Accountant and Attorney Liability  
as "Sellers" of Securities Under  
Section 12(2) of the Securities  
Act of 1933: Judicial Rejection  
of the Statutory, Collateral  
Participant Status Cause of  
Action, Jack E. Karns & Edwin  
A. Doty & Steven S. Long ..... 1

SPEECH

Hear No Evil, Speak No Evil: The  
Duty of Public Schools to Limit  
Student-Proposed Graduation  
Prayers, Jonathan C. Drimmer . 411

Sign Regulation After *Ladue*:  
Examining the Evolving Limits  
of First Amendment Protection,  
Mark Cordes ..... 36

TAKINGS

Public Use, Substantive Due  
Process and Takings—An  
Integration, Lawrence Berger .. 843

TAX

Double Jeopardy—State Drug Tax  
Statutes Go Up In Smoke:  
*Department of Revenue v. Kurth  
Ranch*, 114 S. Ct. 1937 (1994),  
Christian D. Stewart ..... 221